

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Petitioner,

v.

CIV 13-0672 LH/KBM

SERGIO MATA-AGUILAR,

Respondent.

**PROPOSED FINDINGS AND**  
**RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on Petitioner's "Expedited Habeas Petition Under 28 U.S.C. §2241 for a Writ of Habeas Corpus." *Doc. 1*. Senior District Judge C. LeRoy Hansen referred this matter to me on July 19, 2013 for a recommended disposition. *Doc. 2*. The Court therefore reviewed the instant Petition, the government's response in opposition (*Doc. 7*) and, as well, all other related actions previously brought by Petitioner.

Petitioner, a Mexican citizen, is pending deportation and his Petition asserts that he is being held in custody at the Otero County Processing Center here in New Mexico. The procedural history of Mr. Mata-Aguilar's litigation efforts is set forth in great detail in the Government's Response and will not be repeated in full. Simply put, Petitioner maintains, as he has in two other petitions brought before this court, that he is entitled to a bond hearing pending his deportation. See 2:12-CV-1253 WJ/SMV (dismissal entered July 10, 2013) and 2:13-CV-0389 JB/LAM (dismissal entered September 30, 2013). Both of those actions were dismissed by the presiding judges after adopting the

assigned magistrate judge's proposed recommendations for disposition. Petitioner's Writ of Mandamus to the Tenth Circuit Court of Appeals (Docket # 13-2105) was denied on June 11, 2013 on the merits without oral hearing.

In the course of examining the record, the Court has discovered that mail to Petitioner has been returned to the Court as undeliverable with the notation that Petition has now been deported. See 2:12-cv-1253 WJ/SMV at Doc. 34 (November 1, 2013). If that is the case, Petitioner's action is now moot.

Wherefore,

IT IS HEREBY RECOMMENDED that this action be **dismissed as moot**.

**THE PARTIES ARE FURTHER NOTIFIED THAT WITHIN 14 DAYS OF SERVICE** of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1). **A party must file any objections with the Clerk of the District Court within the fourteen-day period if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed, no appellate review will be allowed.**

  
UNITED STATES CHIEF MAGISTRATE JUDGE